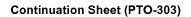
Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/840,110	WEEL, MARTIN	
Examiner	Art Unit	
OANH DUONG	2455	

The MAILING DATE of this communication appears on the cover sheet with the correspondence address	
THE REPLY FILED 19 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonn application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following tiperiods:	places the Request
a) The period for reply expiresmonths from the mailing date of the final rejection.	
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED W	
MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate exte have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office actions set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if the major reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	tension fee on; or (2) as
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the	ne date of
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appear Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS	
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below);	е
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the iss appeal; and/or	ues for
(d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)).	
4. 🔲 The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL	324).
5. Applicant's reply has overcome the following rejection(s):	
6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment can non-allowable claim(s).	-
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 61-64, 66-70, and 72-92. Claim(s) withdrawn from consideration:	ation of
AFFIDAVIT OR OTHER EVIDENCE	
8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be elemented because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary not earlier presented. See 37 CFR 1.116(e).	
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to present a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).	
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER	
11. The request for reconsideration has been considered but does NOT place the application in condition for allowance be Applicant's argument is not persuasive (see attached).	cause:
12. ☐ Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s) 13. ☐ Other:	
/Oanh Duong/	
Primary Examiner, Art Unit 2455	



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